

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TIMOTHY WOODS, #9369002,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07cv852-WHA
)	(WO)
DAVID A. CONOLY, et al.,)	
)	
Defendants.)	

ORDER

Upon review of the file and for good cause shown, the Order and Final Judgment entered in this case on November 15, 2007 (Doc. ##11, 12) are hereby VACATED and SET ASIDE and this Order is entered in their place.

It is hereby ORDERED as follows:

1. No objection having been filed to the Recommendation of the Magistrate Judge entered on September 26, 2007 (Doc. #5), the court adopts the Recommendation of the Magistrate Judge.
2. The Plaintiff's request for immediate release from confinement is DISMISSED without prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. This case is referred back to the Magistrate Judge for appropriate proceedings.

DONE this 20th day of November, 2007.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE